

REMARKS

Claims 8, 10-16 and 18-21 are pending. No claims are amended by this Supplemental Response.

Claims 10-21 are rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Matayabas et al (WP 98/29499). (Office Action p.4)

First, nowhere in Matayabas is there disclosed a step as now recited in claim 8, namely:

(B) a step for adding said dispersion of layered phyllosilicate, *in an amount from 0.1 to 45 parts by weight of layered phyllosilicate based on 100 parts by weight of the thermoplastic resin*, and water *continuously or successively* to a component having low polymerization degree of the thermoplastic polyester resin *at a rate of 0.01 to 10.0 parts by weight per minute based on 100 parts by weight of the component having low polymerization degree of the thermoplastic polyester resin*; and

Since Matayabas does not disclose adding a dispersion of layered phyllosilicate in an amount of 0.1 to 45 parts by weight at a rate of 0.01 to 10.0 parts by weight per minute, it is impossible for this reference to anticipate the invention as now claimed. It is respectfully requested that the anticipation rejection over Matayabas be withdrawn.

Second, the claimed invention is not inherently described in Matayabas. The claimed dispersion is mixed continuously or successively resulting in a different composition unattainable by the process of Matayabas. It should be apparent that mixing a dispersion of layered phyllosilicate and water at one time to a pre-polymer and then removing water will result in large agglomerations of phyllosilicate in the resin composition and not finely dispersed phyllosilicate. As a result it is

impossible for Matayabas to inherently disclose the invention as now claimed.

The clear difference in physical properties is explained in the Declaration dated September 1, 2004. Basically without adding the dispersion of layered phyllosilicate, in an amount from 0.1 to 45 parts by weight of layered phyllosilicate based on 100 parts by weight of the thermoplastic resin, and water continuously or successively to a component having low polymerization degree of the thermoplastic polyester resin at a rate of 0.01 to 10.0 parts by weight per minute resulted in a composition, similar to Matayabas with poor physical characteristics as shown in Table 1 on p.9 of the Declaration.

The Declaration and the specification show that if a dispersion is not added continuously or successively at a specified rate the claimed composition cannot be obtained. Since Matayabas does not even suggest such a process anywhere in the document, it cannot logically make claim 8, and claims dependent thereon, obvious. ***In other words, Matayabas standing alone cannot logically suggest the claimed invention.*** The skilled artisan would need more information in order to devise the claimed process where layered phyllosilicate is added in an amount from 0.1 to 45 parts by weight at a rate of 0.01 to 10.0 parts by weight per minute. Simply put, since there is no suggestion in Matayabas of using different rates for adding the dispersion or much less that addition at a constant rate would yield an improved product, the reference cannot be held to suggest the claimed invention.

The applicants assert that Matayabas alone cannot logically make the obvious the invention as now claimed. It is urged that the rejection be reconsidered and withdraw.

U.S. Patent Application Serial No. **09/926,260**
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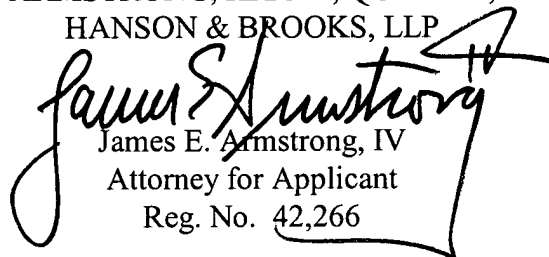
In view of the aforementioned amendments and accompanying remarks, claims 8-21, as amended in the Amendment dated January 17, 2006, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP


James E. Armstrong, IV
Attorney for Applicant
Reg. No. 42,266

JAM/jam
Atty. Docket No. **011268**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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